



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FIBERTREK, INC., a Nevada corporation;
LAWRENCE P. WAGNER, an individual;
and JOHN G. PEERY, an individual,

Case No. 5:08-CV-03415-JW

Plaintiffs,

NOTICE OF VOLUNTARY DISMISSAL

v.

PREFERRED CORPORATE SERVICES,
INC., a Colorado Corporation; DOUGLAS
GREGG, an individual; TDG, LLC,
a Colorado Limited Liability Company;
NEIL SMITH, an individual and
DOES 1-100, inclusive,

Defendants.

AND RELATED CROSS-ACTION

PLEASE TAKE NOTICE THAT pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs voluntary dismiss Defendant PREFERRED CORPORATE SERVICES, INC. who have not yet appeared in this action without prejudice. As to The Estate of Douglas Gregg, the Dismissal is with prejudice since Defendant Gregg filed an answer on September 3, 2008. See Fed. R. Civ. P. 61(a)(i); (Docket Item No. 12.)

This Order resolves all pending claims and parties in this action. Thus, the Clerk shall close this file.

Dated: November 22, 2010


JAMES WARE
United States District Judge